

APPENDIX A
THE FEDERAL COASTAL ZONE MANAGEMENT ACT and CROSS REFERENCE TO PROGRAM
REQUIREMENTS

In response to intense pressure on coastal resources, and because of the importance of coastal areas of the United States, Congress passed the Coastal Zone Management Act of 1972 as amended [CZMA] (16 USC 1451). The program is administered by the Secretary of Commerce, who in turn has delegated this responsibility to the National Oceanic and Atmospheric Administration's (NOAA) Office of Ocean and Coastal Resource Management (OCRM). The Act authorizes a federal program to encourage coastal states and territories to develop comprehensive coastal programs. Currently, 34 states and territories have coastal programs approved by the Assistant Administrator of the National Ocean Service.

Sections 305, 306, and 307 of the CZMA and implementing regulations published on March 28, 1979 (44 CFR Part 18595) as codified at 15 CFR Part 923 provide the requirements and procedures for state coastal program development and federal approval. In summary, the requirements for program approval are that a state develop a coastal program that among other things:

1. Identifies and evaluates those coastal resources recognized in the Act that require management or protection by the state or territorial government;
2. Re-examines existing policies or develops new policies to manage these resources. These policies must be specific, comprehensive, and enforceable, and must provide an adequate degree of predictability as to how coastal resources will be managed;
3. Determines specific uses and special geographic areas that are to be subject to the coastal program, based on the nature of identified coastal concerns. Uses and areas subject to management should be based on resource capability and suitability analyses and socioeconomic considerations;
4. Identifies the inland and seaward areas subject to the coastal program;
5. Provides for consideration of the national interest in planning for the siting of facilities; and
6. Includes sufficient legal authorities and organizational structure to implement the program and to ensure conformance to it.

In arriving at these substantive aspects of the coastal program, states are obligated to follow an open process which involves providing information to and considering the interests of the general public, interest groups, local governments, and regional, state, interstate, and federal agencies. Section 303 of the CZMA provides guidance on specific national objectives that warrant full consideration during the implementation of approved state coastal programs. Section 305 of the CZMA as amended by PL 101-508 in 1990 and subsequent appropriations language authorized annual grants to states desiring to develop a coastal program.

After its coastal program receives federal approval, the state is then eligible for annual grants under

Section 306 to implement its coastal program. Section 306A of the CZMA also provides that states may use a portion of their Section 306 awards for low cost construction projects that result in the preservation of important natural areas, improved public access, or renewal of urban waterfronts. Section 307 contains the federal consistency provisions of the CZMA to ensure that federal actions are consistent with the state's federally approved coastal program. Paragraphs (1) and (2) of Section 307(c) require that federal activities and development projects in or directly affecting the coastal zone be consistent to the maximum extent practicable with a federally approved state coastal program. Subparagraphs (A) and (B) of Section 307(c) require that federally licensed and permitted activities affecting the coastal zone also are consistent with the federally approved state program. Section 307(d) requires federal assistance to state and local governments for projects affecting the coastal zone to be consistent with federally approved state coastal programs. Federal regulations implementing Section 307 are found at 15 CFR Part 930.

Section 309, as amended by PL 101-508 in 1990, establishes a coastal enhancement grant program. This Section provides that a portion of Section 306 funds is available to states to develop program changes, which strengthen their CZM program's ability to address particular coastal issues. State efforts to seek such improvements are meant to focus on priorities based on a self-assessment of the nine objectives listed in Section 309, e.g., stronger wetland protection, improved management of coastal hazards and additional public access. Section 312 directs the Secretary to evaluate the performance of state coastal programs on a continuing basis. OCRM formally reviews the implementation of each state program on a three-year cycle. Section 315 establishes a National Estuarine Research Reserve System to preserve a representative series of representative estuarine areas for long-term scientific and educational purposes. The Coastal Zone Reauthorization Amendments of 1990 (CZARA) established a new Coastal Nonpoint Pollution Control Program, in addition to updating the CZMA. Illinois has agreed to submit a complete 6217 program within 30 months of program approval.

CZMA Section	Requirement	CZMA Approval Regulations	Program Document
306(d)(1)	The ICMP contains policies to adequately manage all uses with direct and significant impacts on coastal waters and ensures protection of those resources and areas that make the Illinois coast a unique, vulnerable or valuable area.	15 CFR §923.3	Chapters 1, 6, 7, 9, 10 and 11
306(d)(1)	The ICMP was developed after notice and with the opportunity for full participation by federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties and individuals, public and private.	15 CFR §923.3	Chapters 1, 6, 7, 11, 12 and Appendix D
306(d)(2)(A)	The ICMP includes sufficient inland, seaward, and interstate boundaries.	15 CFR §923.31- 34	Chapter 3 and Appendix B
306(d)(2)(B)	The ICMP identifies the land and water uses subject to the management program.	15 CFR §923.11	Chapters 6 and 9
306(d)(2)(C)	The ICMP designates Areas of Particular Concern.	15 CFR §923.21-23	Chapter 6
306(d)(2)(D)	The ICMP identifies the means by which the state will exert control over the defined land and water uses.	15 CFR §923.40-43	Chapters 7 and 9
306(d)(2)(E)	The ICMP contains broad guidelines on priorities of uses in particular areas, including those uses of lowest priority.	15 CFR §923.21	Chapter 6
306(d)(2)(F)	The ICMP includes a description of the organizational structure proposed to implement the program, including the responsibilities and interrelationships of local, area wide, state, regional, and interstate agencies in the management process.	15 CFR §923.46	Chapter 7
306(d)(2)(G)	The ICMP includes a definition of the term beach, and a planning process for the protection of, and provision of access to, public beaches and other public coastal areas.	15 CFR §923.24	Chapter 5
306(d)(2)(H)	The ICMP includes a planning process for energy facilities likely to be located in, or which may significantly affect, the coastal zone, including a process for anticipating the management of the impacts from such facilities.	15 CFR §923.13	Chapter 10
306(d)(2)(I)	The ICMP includes a planning process for assessing the effects of, and studying and evaluating ways to manage the impacts of, shoreline erosion and for restoring areas adversely affected.	15 CFR §923.25	Chapter 4

306(d)(3)(A)	The state has coordinated the ICMP with local, area wide, and interstate plans applicable to areas within the coastal zone existing on 1-1-11.	15 CFR §923.56	Chapters 1 and 6
306(d)(3)(B)	The state has established an effective mechanism for continuing consultation and coordination between the lead agency and local governments, interstate agencies, regional agencies, and area wide agencies within the coastal boundary.	15 CFR §923.57	Chapter 7
306(d)(4)	The state has held adequate public hearings during the development of the ICMP.	15 CFR §923.58	Chapters 6 and 13
306(d)(5)	The Governor has reviewed and approved the ICMP and certifies it contains adequate authorities.	15 CFR §923.48	Appendix C – Executive Order
306(d)(6)	The Governor has designated a lead coastal agency.	15 CFR §923.47	Chapter 7 and Appendix C – Executive Order
306(d)(7)	The state is organized to implement the ICMP.	15 CFR §923.46	Chapters 7 and 9
306(d)(8)	The ICMP provides for adequate consideration of the national interest.	15 CFR §923.52	Chapters 6, 10 and 11
306(d)(9)	The ICMP includes a program by which specific areas may be designated for the purpose of preserving or restoring them for their conservation, recreational, ecological, historical, or aesthetic values.	15 CFR §923.22	Chapter 6
306(d)(10) (A) and (B)	The state has authority for the management of the coastal zone in accordance with the ICMP including the power to: a) administer land use and water use regulations to control development to ensure compliance with the ICMP; b) resolve conflicts among competing uses; and c) acquire fee simple and less than fee simple interests in land, waters, and other property through condemnation or other means, if necessary.	15 CFR §923.41	Chapters 7 and 9
306(d) (11)	The ICMP uses any or a combination of the following techniques for control of land uses and water uses within the coastal zone: a) state establishment of criteria and standards for local implementation, b) direct state land and water use planning and regulation; and/or c) state administrative review of development plans, projects, or land and water use regulations.	15 CFR §923.41-923.44	Chapters 1, 7 and 9
306(d)(12)	The ICMP ensures that local land use and water use regulations within the coastal boundary do not unreasonably restrict or exclude land uses and water uses of regional benefit.	15 CFR §923.12	Chapter 9
306(d)(13)	The ICMP provides for an inventory and designation of areas that contain one or more coastal resources of national significance and specific and enforceable standards to protect such resources.	No regulations	Chapters 6 and 11

306(d)(14)	The ICMP provides for public participation in permitting processes, consistency determinations, and other similar decisions.	No regulations	Chapters 7, 9, and 11
306(d)(15)	The ICMP ensures all state agencies will adhere to the program.	No regulations	Chapters 7 and 9
306(d)(16)	The ICMP contains enforceable policies and mechanisms to implement applicable requirements of 6217(g).	Guidance Jan., 1993	Chapters 7, 9 and 12
307(b)	Consideration of federal agency views	15 CFR §923.51	Chapter 11
307(c) & (d)	Federal consistency procedures	15 CFR §923.53	Chapter 11
307(f)	Incorporation of federal air and water quality standards	15 CFR §923.45	Chapters 9 and 10